

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
Plaintiff,) 8:05CR179
)
vs.) ORDER
)
VINCENTE MENDOZA,)
)
Defendant.)

This matter is before the court on the motions for an extension of time by defendant Vincente Mendoza (Mendoza) (Filing No. 19). Mendoza seeks an extension of time for approximately thirty days in which to file pretrial motions. Defense counsel represents to the court that counsel for the government has no objection to the extension. Mendoza's counsel has submitted a copy of an affidavit in accordance with paragraph 9 of the progression order whereby Mendoza consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act (Filing No. 19). Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Defendant Mendoza's motion for an extension of time (Filing No. 19) is granted. Defendant Mendoza is given until **on or before July 20, 2005**, in which to file pretrial motions. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **May 24, 2005 (the original pretrial motion deadline) and July 20, 2005**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

2. The trial setting of July 5, 2005, before Judge Laurie Smith Camp and a jury is **canceled** and will be re-scheduled following the disposition of any pretrial motions or the expiration of the pretrial motion deadline if no motions are filed, whichever is later.

DATED this 22nd day of June, 2005.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge